

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SmarterSwipe, Inc.,

Plaintiff

v.

Carlos Navarrete, et al.,

Defendants

Case No. 2:24-cv-00299-CDS-MDC

**Order Granting Plaintiff's Motion to
Amend, Denying Motion to Dismiss, and
Approving Substitution of Counsel**

[ECF Nos. 3, 39, 43]

Plaintiff SmarterSwipe, Inc.'s motion to file an amended complaint [ECF No. 43] is **granted**. An “amended complaint supersedes the original, the latter being treated thereafter as non-existent.” *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (internal citation omitted)). Strictly speaking, “the original pleading no longer performs any function” *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Consequently, defendant Emmanuel Gonzalez’s motion to dismiss [ECF No. 3] is **denied as moot**.

The Clerk of Court is kindly instructed to file SmarterSwipe’s amended complaint (attached as exhibit 1 to the motion to amend at ECF No. 43-1) on the docket as SmarterSwipe’s first amended complaint.

Further, defendants Robert Porras and Brian Silva’s notice to substitute Jennifer L. Braster of Naylor & Braster Attorneys at Law PLLC as counsel in the place of Jones Lovelock [ECF No. 39] is **granted**.

Dated: June 4, 2024


Cristina D. Silva
United States District Judge